

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting #7/20, Friday, November 06, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **REQUEST FOR PERMANENT EASEMENT (CITY OF TORONTO)**
Request for a Permanent Easement required for replacement of Tobermory Culvert. City of Toronto, Humber River Watershed (CFN 63842)

KEY ISSUE

Receipt of a request from the City of Toronto for a permanent easement to support replacement of the Tobermory Culvert as part of the Finch West Light Rail Transit (FWLRT) Project, in Derrydowns Park, west of Tobermory Drive, South of Finch Avenue West, City of Toronto, Humber River Watershed.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT WHEREAS Toronto the Region Conservation Authority (TRCA) is in receipt of a request for a permanent easement on TRCA owned lands located in Derrydowns Park west of Tobermory Drive, South of Finch Avenue West, in the City of Toronto, to support replacement of the Tobermory Culvert, that is part of the Finch West Light Rail Transit (FWLRT) Project, Humber River watershed;

AND WHEREAS it is in the best interest of TRCA in furthering its objectives as set out in Section 20 of the *Conservation Authorities Act* to cooperate with the City of Toronto in this instance;

THEREFORE LET IT BE RESOLVED THAT a permanent easement containing 0.13 hectares (0.32 acres) more or less, required for a culvert replacement and associated infrastructure, said lands being Parts 1 and 2 on a draft reference plan prepared by City of Toronto, Engineering and Construction Services, Engineering Support Services, job no. 2018-04478, plan no. 3 in the City of Toronto be granted in favour of the City of Toronto;

THAT consideration be the nominal sum of \$2.00 and all legal, survey and other costs to be paid by the City of Toronto;

THAT the City of Toronto is to fully indemnify TRCA from any and all claims from injuries, damages or costs of any nature resulting in any way, either directly or indirectly, from this conveyance;

THAT an archeological investigation will be completed, with any mitigation measures being carried out to the satisfaction of TRCA staff, at the expense of the City of Toronto;

THAT a permit pursuant to Ontario Regulation 166/06, as amended, be obtained by the City of Toronto prior to the commencement of construction;

AND FURTHER THAT authorized TRCA officials be directed to take the necessary action to finalize the transaction, including obtaining any necessary approvals and the signing and execution of documents.

BACKGROUND

The City of Toronto has requested a permanent easement on TRCA-owned lands, located in Derrydowns Park west of Tobermory Drive, south of Finch Avenue West, in the City of Toronto, for the replacement of the Tobermory Culvert.

Derrydowns Park is owned by TRCA and under a management agreement with the City of Toronto. There is an existing culvert for Black Creek West Tributary under Finch Avenue West and exiting onto Derrydowns Park. As part of the Metrolinx FWLRT Project, the Tobermory Culvert is being replaced. The nature and scope of the existing easement does not sufficiently address the replacement culvert and its associated infrastructure, therefore an easement is necessary for the new culvert.

The subject TRCA-owned lands were acquired May 12, 1966 from Canday Holdings Limited and Brad-Jay investments Limited under P.8.A – Humber River Flood Plain Lands Project for \$7,288.

Attachment 1 is a sketch illustrating the location of the subject lands. **Attachment 2** is an orthophoto illustrating the location of the subject lands.

RATIONALE

The City of Toronto has conveyed lands to TRCA over the years for nominal consideration (\$2.00) and has requested that the permanent easement on TRCA land required for the new Tobermory Culvert be conveyed for a nominal consideration of \$2.00.

All lands disturbed by construction will be restored by Metrolinx in accordance with TRCA's Voluntary Project Review (VPR) process.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategy set forth in the TRCA 2013-2022 Strategic Plan: **Strategy 4 – Create complete communities that integrate nature and the built environment**

FINANCIAL DETAILS

The City of Toronto has agreed to assume all legal, survey and other costs involved in completing this transaction.

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Date: October 8, 2020

Attachments: 2

Attachment 1: Site Plan

Attachment 2: Orthophoto